

Department of Justice

§ 5.402

§ 5.306 Exemption under section 3(g) of the Act.

For the purpose of section 3(g) of the Act—

(a) Attempts to influence or persuade agency personnel or officials other than in the course of judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record, shall include only such attempts to influence or persuade with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party; and

(b) If an attorney engaged in legal representation of a foreign principal before an agency of the U.S. Government is not otherwise required to disclose the identity of his principal as a matter of established agency procedure, he must make such disclosure, in conformity with this section of the Act, to each of the agency's personnel or officials before whom and at the time his legal representation is undertaken. The burden of establishing that the required disclosure was made shall fall upon the person claiming the exemption.

[Order No. 376-67, 32 FR 6362, Apr. 22, 1967, as amended by Order No. 463-71, 36 FR 12212, June 29, 1971; Order No. 2674-2003, 68 FR 33630, June 5, 2003]

§ 5.307 Exemption under 3(h) of the Act.

For the purpose of section 3(h) of the Act, the burden of establishing that registration under the Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 *et seq.* (LDA), has been made shall fall upon the person claiming the exemption. The Department of Justice will accept as prima facie evidence of registration a duly executed registration statement filed pursuant to the LDA. In no case where a foreign government or foreign political party is the principal beneficiary will the exemption under 3(h) be recognized.

[Order No. 2674-2003, 68 FR 33631, June 5, 2003]

§ 5.400 Filing of informational materials.

(a) The informational materials required to be filed with the Attorney General under section 4(a) of the Act shall be filed with the Registration Unit no later than 48 hours after the beginning of the transmittal of the informational materials.

(b) Whenever informational materials have been filed pursuant to section 4(a) of the Act, an agent of a foreign principal shall not be required, in the event of further dissemination of the same materials, to forward additional copies thereof to the Registration Unit.

(c) Unless specifically directed to do so by the Assistant Attorney General, a registrant is not required to file a copy of a motion picture which he disseminates on behalf of his foreign principal, so long as he files monthly reports on its dissemination. In each such case this registrant shall submit to the Registration Unit either a film strip showing the label required by section 4(b) of the Act or an affidavit certifying that the required label has been made a part of the film.

[Order No. 376-67, 32 FR 6362, Apr. 22, 1967, as amended by Order No. 523-73, 38 FR 18235, July 9, 1973; Order No. 568-74, 39 FR 18646, May 29, 1974; Order No. 2674-2003, 68 FR 33631, June 5, 2003]

§ 5.402 Labeling informational materials.

(a) Within the meaning of this part, informational materials shall be deemed labeled whenever they have been marked or stamped conspicuously at their beginning with a statement setting forth such information as is required under section 4(b) of the Act.

(b) Informational materials which are required to be labeled under section 4(b) of the Act and which are in the form of prints shall be marked or stamped conspicuously at the beginning of such materials with a statement in the language or languages used therein, setting forth such information as is required under section 4(b) of the Act.

(c) Informational materials required to be labeled under section 4(b) of the Act but which are not in the form of